

REMARKS

The present amendment is in response to the Office Action dated August 30, 2005. Claims 1-44 are now present in this case. No claims have been amended. For the Examiner's convenience, all claims pending in the application are included herewith.

The applicants note that responsibility for this case has been transferred to a new law firm. The previous response was filed by prior counsel. The applicants wish to express their appreciation to the Examiner for allowing this supplemental response.

In the Office Action dated July 24, 2003, claims 1, 3, 5, 6, 8-23, 25, 27, 28, and 30-44 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,223,041 to Egner et al. combined with U.S. Patent No. 5,912,884 to Park et al. The applicants respectfully traverse this rejection and request reconsideration.

The Office Action asserts that Egner discloses a method of allocating resources in a network "comprising accessing data from a fixed wireless loop network" and that each of the plurality of remote units is "assigned to received communication service from the associated station." (See Office Action, page 2.) This is not correct. Egner is not directed to a wireless local loop, and that phrase does not appear anywhere within Egner. Furthermore, Egner does not disclose that remote units are assigned to receive communication from an associated station, as recited in claim 1. A thorough review of Egner shows that the resource being allocated are communication channels (*i.e.*, frequency channels within the assigned spectrum) in order to reduce radio frequency interference. There is no mention of remote units being assigned to a particular station.

The Office Action correctly states that Egner is completely silent as to a method for comparing communication service load data to identify potentially overloaded station and reducing the number of remote units assigned to receive communication service from the potentially overloaded station. The Office Action asserts that Park discloses these missing elements. This is incorrect. Park is directed to a method for forward link power control in a CDMA mobile system. Park does not

teach or suggest any specific technique for detecting a potential overload, but merely describes the transfer of the forward link power control when an overload has already occurred. Park states that “when it is determined that a particular cell amounts to an overload condition in accordance with the decision of an overload detection module in the base station controller, the information on the overload cell is inputted from the overload detection module.” (See column 4, lines 35-39.) No description of a “overload detection module” is provided by Park. While one may argue that overload detection is inherent in Park, such inherency cannot be used as the basis for rejecting any and all methods for detecting overloads. Furthermore, claim 1 recites a specific method to identify a potentially overloaded station by “comparing communication service load data associated with one or more stations to a communication load criteria to identify a potentially overloaded station.” Park does not teach such a method, either explicitly or inherently.

Claim 1 further recites “reducing the number of remote units assigned to receive communication service from the potentially overloaded station.” The combination of references do not teach or suggest such a process. Neither reference changes an assignment of remote units from a potentially overloaded station. Egner does not describe assigning remote units at all, but allocates frequency channels from one station to another. Park merely describes the transfer of forward link power control from one station to another. However, CDMA units may often receive data from more than one base station. Thus, neither reference, taken alone or in combination, teaches or suggests accessing data from a wireless local loop network, comparing communication service load data to a communication load criteria, and reducing the number of remote units assigned to receive communication from a potentially overloaded station. Accordingly, claim 1 is clearly allowable over the combination of Egner and Park. Claims 2-22 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claim 23 is directed to a signal bearing medium having machine readable instructions to perform a method of allocating resources in a network. As discussed above with respect to claim 1, the combination of references are not directed to a fixed wireless loop and do not teach or suggest accessing data therefrom. Furthermore,

while Park describes a transfer of forward link power control after an overload is detected, there is no teaching or suggestion of “comparing communication service load data associated with one or more stations to a communications load criteria to identify a potentially overloaded station,” as recited in claim 23. Finally, neither reference, taken alone or in combination, suggests “reducing the number of remote units assigned to receive communication service from the potentially overloaded station.” As discussed above, Egner does not allocate remote units to any station at all, but describes a technique by which frequency channels are assigned among base stations in order to reduce radio frequency interference. The addition of Park and the combination suggested in the Office Action do not overcome this serious deficiency. Park does not teach or suggest reducing the number of remote units assigned to receive service from a potentially overloaded station, but merely describes the transfer of forward link power control from one station to another. Accordingly, claim 23 is clearly allowable over the combination of Egner and Park. Claims 24-44 are also allowable in view of the fact that they depend from claim 23, and further in view of the recitation in each of those claims.

Claims 2, 4, 7, 24, 26, and 29 stand rejected over the combination of Egner and Park combined with U.S. Patent No. 5,293,640 to Gunmar et al. The applicants respectfully traverse this rejection and request reconsideration. The inapplicability of the combination of Egner and Park has been described above in detail and need not be repeated herein. However, the Office Action notes that neither Egner or Park disclose operation in a hypothetical network. Gunmar is cited as disclosing a fixed wireless local loop network that is a hypothetical network. While Gunmar is directed to a technique for planning radio cells, Gunmar is not directed to a fixed wireless loop network, and that phrase does not appear anywhere within Gunmar. Furthermore, Gunmar does not teach or suggest the techniques for identifying a potentially overloaded station, nor any technique for reducing the number of remote units assigned to receive communication service from the potentially overloaded station, as recited in claims 1 and 23. Thus, the combination of Egner, Park, and Gunmar do not teach or suggest the techniques recited in claims 1 and 23. The combination of references do not teach or suggest the techniques recited in dependent claims 2, 4, 7,

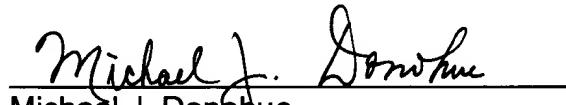
24, 26, and 29. Accordingly, these claims are all clearly allowable over the combination of Egner, Park, and Gunmar.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

Ronald Reiger et al.

Davis Wright Tremaine LLP

A handwritten signature in cursive script, reading "Michael J. Donohue", is written over a horizontal line.

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